

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CANDACE DAVIS,

Petitioner, : Case No. 3:06-cv-357
-vs- : District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

WARDEN, OHIO REFORMATORY FOR WOMEN,

Respondent.

**ORDER DISSOLVING STAY AND REQUIRING ANSWER OR AMENDED MOTION
TO DISMISS**

This habeas corpus case was filed November 14, 2006 (Doc. No. 2). After initial review under Habeas Rule 4, the Court ordered an answer (Doc. No. 3), the Respondent raised a failure to exhaust defense by Motion to Dismiss (Doc. No. 5) and the Court stayed these proceedings to permit Petitioner to exhaust her available state court remedies (Doc. No. 8).

From examining the on-line records of the Montgomery County Clerk of Courts, it appears that Petitioner's state court proceedings are now complete. It is accordingly ORDERED that

1. The stay of proceedings is dissolved and this case ordered returned to the active docket;
 2. Respondent shall either answer the Petition in the manner originally ordered in this case or, if appropriate, file an amended motion to dismiss not later than March 1, 2009.

February 14, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge